

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO on the	)	
relation of State Engineer,	)	
	)	
Plaintiff,	)	
	)	69cv07941-BB-ACE
-v-	)	
	)	RIO CHAMA STREAM SYSTEM
RAMON ARAGON et al.,	)	
	)	Sections 3 and 7
Defendants.	)	
_____	)	

ASOCIACIÓN DE ACÉQUIAS NORTEÑAS DE RIO ARRIBA’S  
MOTION TO ADOPT ORDER FOR NON-WAIVER OF  
CLAIMS UNDER THE TREATY OF GUADALUPE HIDALGO

The Asociación de Acéquias Norteñas de Rio Arriba (“Asociación”), through its counsel New Mexico Legal Aid, hereby moves this court to adopt an order for non-waiver of claims under the Treaty of Guadalupe Hidalgo (“Treaty”) and/or related authority for the above-referenced sections (Sections 3 and 7) of the Rio Chama Stream System, and as grounds therefor states:

1. Claimants in Section 3 of the Rio Chama Stream System together with those in Section 7, since the commencement of proceedings in Sections 3 and 7 of this adjudication, have jointly pursued, through the Asociación and the Asociación’s counsel, recognition of their Treaty-protected rights.
2. The “Asociación de Acéquias Norteñas de Rio Arriba’s Statement of Issues Regarding the Applicability of the Treaty of Guadalupe Hidalgo and/or Related Authority to Water Rights in Sections 3 and 7”, filed on June 1, 2006, docket # 8290, was

filed in order that issues pertaining to Treaty-protection of water rights could be raised and ultimately addressed for water rights in both Section 3 and in Section 7.

3. Adoption of a non-waiver order would clarify the right of claimants in Sections 3 and 7 to pursue Treaty protections for their water rights.

4. The State opposes this motion.

WHEREFORE MOVANT PRAYS for an Order making the following language applicable to Sections 3 and 7:

By signing a Consent Order, a claimant does not waive any future claim of right which might arise under the Treaty of Guadalupe Hidalgo or related authority. A claimant who signs a Consent Order may, at the appropriate point in these proceedings, raise the question of the effect on, or the relevance of the Treaty of Guadalupe Hidalgo or related authority to, his or her water rights.

Respectfully submitted,

***Electronically Filed***

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the 2nd day of May, 2007, I filed the foregoing pleading electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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